BellSouth which in turn performs the inquiry. (Stacy, Tn. test., p. 259, att. 3). The BellSouth account team can often serve as a bottleneck. In contrast, BellSouth has an automated process to perform service inquiries. For example, BellSouth describes services inquiries placed via the "ESSX Order Management System (EOMS)." (Narducci Affidavit, ¶ 17, Appendix A, Tab 21, ex. WNS-44). Although it may not be the customer service representative who performs this automated inquiry but rather a different BellSouth group that is contacted by the customer service representative, this is still one less level of manual involvement than occurs for CLECs, as William Stacy admitted in his testimony in Tennessee. (Stacy, Tn. test., p. 259, att. 3). More important, it is BellSouth's choice whether to have customer service representatives enter the service inquiry into the automated systems; CLECs should have this same choice.

C) <u>BellSouth's Ordering/Provisioning Processes Remain Fundamentally Deficient</u>

91. After a CLEC's service representative has determined what phone service is desired by a new customer -- and has determined that service will be provided by some combination of resale or unbundled network elements -- the representative must transmit the order to BellSouth. BellSouth offers an EDI interface for ordering. MCI fully supports BellSouth's use of EDI; EDI is the approved industry solution and should be used by all ILECs.[12] BellSouth also offers LENS as an alternative for some ordering functions, but does not rely on it

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12/ There are a few exceptions to the industry's general commitment to EDI, such as the ordering of local interconnection trunks where the industry plans to use a version of the process developed for ordering trunks in the access arena. BellSouth offers its EXACT process for ordering such trunks.

to support its claim that it is providing non-discriminatory access to ordering functions. (Stacy OSS Aff. ¶ 98).

92. In conjunction with the ordering process, the provisioning process provides the means by which the ILEC reports on the status of orders to the CLECs. There are four provisioning sub-functions, i.e., four types of reports the provisioning ILEC must communicate to the requesting CLEC: (i) firm order confirmation; (ii) error notification; (iii) change in order status ("jeopardy notification"), and (iv) order completion. BellSouth offers EDI as an automated option for some provisioning functions but offers manual processes for others. MCI believes that BellSouth should use EDI for all provisioning functions.

93. BellSouth's mere promise to provide an EDI ordering and (partial) provisioning interface is insufficient to satisfy the checklist requirement for entry into long distance. First, the interface BellSouth promises is not operationally ready. In particular, BellSouth presents no evidence showing that the interface can handle UNE orders successfully. Second, BellSouth's interface has substantial functional deficiencies. These include continued high levels of manual intervention in the ordering process, manual return of service jeopardy notifications, and, at present, failure to return loss notifications on UNE customers at all.

1) BellSouth Has Not Shown That It Is Offering Operational EDI

a) The History of MCI's Development of EDI With BellSouth

94. In April of 1997, MCI began working with BellSouth to establish an EDI interface for resale. Development of that interface took a long time, because BellSouth produced ever-changing documentation that was also deficient and ever-changing stories as to what functionality

it would support through its EDI "6+" interface (which was a hybrid of two versions of the industry standard (EDI 6.0 and EDI 7.0) combined with some BellSouth proprietary additions).

95. In September, 1997, MCI finally had sufficient information to complete mapping of the EDI interface and to begin testing. Unfortunately, however, testing revealed major problems with BellSouth's interface that significantly pushed back completion of the testing. These deficiencies included, for example, the inability of BellSouth's EDI interface to accept correctly mapped feature details (FIDs), the inability of the interface to correctly handle orders with more than one directory listing (e.g., for a husband and wife), and the inability to handle correctly mapped tax exempt information.

96. BellSouth worked with MCI to correct these problems, and testing was eventually completed in December. However, this testing was for resale only. Shortly thereafter, in January 1998, MCI began working with BellSouth to develop an EDI interface for UNEs based on BellSouth's planned March, 1997 implementation of EDI 7.0. BellSouth's release of EDI 7.0 in March was its first release that enabled CLECs to order UNEs in a manner that was in compliance with industry standards. It was reasonable for MCI not to develop EDI for UNEs with BellSouth until January 1997 given the substantial systemic and documentation problems that beset development of EDI 6+ for resale and MCI's knowledge that BellSouth planned to move to EDI 7.0 in March, 1998.

97. From January, 1998 on, MCI worked with BellSouth to understand its documentation for EDI 7.0, to make that documentation more accurate, and to become ready for testing. MCI began Phase I testing (EDISM) of UNE orders on April 13, 1998. Testing continued through June 24. During that time MCI transmitted and BellSouth processed 22 test

orders. Seven of these orders were for loops only (3 change, 1 disconnect, 1 new install, 1 outside move and 1 move). Seven of these orders were for loops with either interim number portability or permanent number portability (3 change, 2 disconnect, and 2 move). Eight were for either interim or permanent number portability standing alone (3 change, 3 disconnect, 1 outside move, 1 move). These orders were input manually by MCI into MCI's EDI ordering interface, sent to BellSouth's EDI interface, and validated through BellSouth's backend systems until they reached LESOG. The orders were not placed in a production environment and were not provisioned. MCI entered the orders manually, because it had learned from its resale testing that it did not make sense to code its side of the interface prior to preliminary testing. Doing so only led to the need for constant recoding during the testing process. For LNP orders, BellSouth only performed a visual review, because BellSouth is still developing the capability to receive LNP orders.

98. The EDI 7.0 testing for UNEs revealed problems that should not exist in an operational interface -- problems that would cause the rejection of many orders if the interface were functioning in a commercial environment. The Local Exchange Ordering Guide ("LEO Guide"), for example, described an account telephone field as optional even though failure to fill in this field would have led the order to reject. The LEO Guide stated that one acceptable format for circuit ID included virgules (forward slashes); in reality, BellSouth's systems rejected orders with this format. Conversely, the LEO Guide stated that an ACNA code was required on Interim Local Number Portability Orders when, in reality, this field is not required and creation of such a field would have demanded additional development work. Based on the twenty-two orders that MCI submitted, MCI discovered fourteen errors in BellSouth's Local Exchange Ordering Guide.

99. BellSouth's Order Activity Matrix also contained important errors. As part of any order, a CLEC must fill in fields indicating whether an order is a new order, change order, move order, etc. These fields may differ at the line level and the account level. For example, BellSouth considers an order for a new loop to be a new order at the line level but a change order at the account level. Because BellSouth requires a circuit ID to be provided with all change orders and considers orders for new loops to be a type of change order, BellSouth required MCI to submit circuit ID with orders for new installations of loops. But MCI does not have the circuit ID for a loop that has not yet been ordered! As a result, MCI could not successfully submit orders for new loops. Other problems existed with BellSouth's Order Activity Matrix as well.

100. Moreover, MCI's first phase of testing revealed one fundamental problem that BellSouth has not yet corrected. For all orders for stand alone unbundled loops, BellSouth is currently unable to return a Firm Order Confirmation (FOC) or an order completion. In addition, the testing and development process revealed that BellSouth is not yet capable of receiving orders for LNP or loops with LNP via EDI and is not yet capable of transmitting FOCs, rejects, jeopardies (of any sort), clarifications, or completion notices via EDI on these orders.

101. MCI and BellSouth completed the first phase of testing on June 24. Subsequently, MCI began coding its side of the interface. MCI and BellSouth expected to begin a second phase of testing the week of July 27. That testing has now been pushed back until the week of August 10, because BellSouth's planned date for establishing an automated capability to accept automated LNP orders and to return automated FOCs and completion notices on LNP orders has slipped. Once testing starts up again, it is scheduled to continue through the week of August 31. This testing will be full end-to-end testing of orders from MCI's backend systems through

BellSouth's systems. It will include a total of fifteen orders. Assuming this testing is successful, MCI plans to begin submitting commercial orders in September.

b) BellSouth's EDI interface is not operationally ready to process UNE orders

102. Even though MCI has not completed testing with BellSouth and has not placed any commercial orders through EDI, BellSouth once again declares its EDI interface to be operationally ready. It does so even though BellSouth does not assert that any CLECS have placed any commercial orders for UNEs via EDI. It does so even though BellSouth should now be aware, after its past declarations of readiness proved vastly premature when testing revealed substantial problems, that only successful commercial use can demonstrate the readiness of EDI. Indeed, this Commission has correctly recognized that actual commercial usage is by far the most probative evidence of operational readiness. (Ameritech MI Order ¶ 138).

103. At the time of BellSouth's South Carolina filing, this Commission recognized that there had been little commercial use of BellSouth's EDI interface. (S.Car. Order ¶ 101). Unfortunately, little has changed since the time of that order. BellSouth indicates that "as of May 31, 1998, one CLEC is using EDI, and five CLECs are using EDI-PC for ordering." (Stacy OSS Aff. ¶ 212). But BellSouth does not state that any CLECs are using EDI to place orders for UNEs.[13]

13/ BellSouth does not even indicate that any carriers are using PC-EDI to place UNE orders, but, in any case, this is not the relevant question. PC-EDI was designed for small carriers. It does not require a carrier to use BellSouth provided specifications to develop its side of an EDI interface. Thus, successful use of PC-EDI would not show that a CLEC could develop an operational machine-to-machine EDI interface with BellSouth.

104. As a result, BellSouth presents no data showing successful commercial usage of EDI for UNE ordering. In lieu of evidence of successful commercial usage, BellSouth attempts to rely on test evidence to show the readiness of EDI (even though MCI's test results are contrary). This Commission has indicated that, in some circumstances, evidence other than commercial usage may be sufficient to show operational readiness. (Ameritech MI Order ¶ 138). But the circumstances referred to by the Commission, in which CLECs had made the business decision not to use a particular interface, are inapplicable here. (Id.).

105. MCI, for one, is diligently developing an EDI interface. Commercial usage is expected to begin in September.

106. As this Commission is well aware, more than a year after Ameritech began carrier-to-carrier testing of its EDI interface, after it had employed a third party to evaluate the adequacy of that interface, and after several months of competitive use of that interface to process what sometimes amounted to several thousand orders a day, the FCC, the Department of Justice, the Wisconsin Commission, the Michigan Commission, and an ALJ all found that Ameritech was not yet ready. Severe problems remained including loss of features, double billing, a high percentage of rejects, and a high level of manual intervention. These problems generally only became apparent as Ameritech's interface came into commercial use. The simple lesson is this: errors happen unexpectedly. After all, each of these problems occurred despite the extensive internal testing Ameritech claimed that it performed prior to putting its automated resale interfaces into operation. As I have explained, system implementation ordinarily does reveal system errors, which (hopefully) are then corrected. What is both surprising and disconcerting is that while BellSouth appears to understand the existence of an ordinary de-bugging process, it nonetheless

claims that its offer of an EDI interface for which it has not presented any results other than test results, is sufficient to show that it is already providing non-discriminatory OSS.

107. BellSouth's reliance on test results is particularly disconcerting here, because none of the test results presented by BellSouth even pertain to UNE ordering. The Ernst & Young report presented by BellSouth does not include any data or evidence with respect to UNE ordering. (Putnam Aff., App. A, p.14).[14] It also did not include any orders to add or delete features on the orders that were transmitted. And even those orders were not provisioned. (Putnam Aff., App. A, p. 13). Moreover, neither Mr. Putnam nor BellSouth reports any results of the testing such as how many orders were rejected, how many dropped out for manual processing, how long it took on average to return a FOC, or a reject, or a completion.[15]

108. Similarly, BellSouth cannot rely on carrier-to-carrier testing to show the readiness of its EDI interface for UNE ordering. The only data BellSouth presents from carrier-to-carrier

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14/ The Ernst & Young report does state that it has validated that EDI provides the ability to order UNEs (Putnam Aff., App. A, p. 6) but it does not state how this was validated. Some of the ways in which Ernst & Young ostensibly validated the assertions in the report, such as by simply inquiring, provide no real basis for believing the assertions. As for the volume test described in the report, this test does not appear to have included UNE orders. (Putnam Aff., App. A, p. 14).

15/ Even with respect to its ostensible purpose -- showing that BellSouth's EDI interface and backend systems can handle an appropriate volume of orders, BellSouth's test fails in its purpose. Showing that the EDI interface can process 8,800 simple test orders, which were presumably deliberately formatted correctly, in an eight state region in 20 hours does not show sufficient capacity to handle likely volumes of traffic after taking into account the likely existence of more complicated orders and a significantly higher number of errors. BellSouth's view that it can expect a linear increase in the volume of orders (Putnam Aff., App. A, p.11) is likely to substantially understate the likely increase when several of the bigger CLECs begin placing significant numbers of orders.

testing are its data from MCI's resale testing with BellSouth last Fall. BellSouth presents no other data on UNE ordering through EDI.[16]

109. BellSouth may respond that its experience in processing orders manually and through a combination of LENS, EDI, and manual processes helps demonstrate the readiness of its EDI interface. But while this data may be relevant to demonstrating the readiness of BellSouth's backend systems, it cannot show the readiness of BellSouth's EDI interface or the connection between that interface and BellSouth's backend systems. There is simply no way of knowing from BellSouth's aggregate data the extent of the problems for orders submitted over EDI. Moreover, this aggregate data itself does not appear to include many orders for unbundled elements.

110. Thus, the only data that appear to exist with respect to EDI and UNE ordering are the results of MCI's testing of UNE ordering with BellSouth -- data that BellSouth does not present. It is not surprising that BellSouth does not present this data, because MCI's testing of UNE ordering with BellSouth has revealed that BellSouth's EDI interface for UNE ordering is not yet ready. It has revealed exactly the sorts of glitches one would expect in an interface in the early stages of testing. While BellSouth is working to correct most of the specific glitches, the need to correct these glitches shows that BellSouth is still in the process of working to create a smoothly functioning interface that operates as it should. Indeed, one of the most fundamental

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16/ As with UNE ordering, BellSouth presents no evidence of the successful use of the change management process it recently agreed to with CLECs. Until recently, BellSouth made changes to interfaces unilaterally and provided little or no notice to CLECs. BellSouth has finally now agreed with the CLECs on a change management process. But until this process is used for a major change, when BellSouth migrates to a new version of EDI early next year, there is no way to know that it will work.

problems revealed in the testing -- BellSouth's inability to return FOCs or completion notices on orders for loops, inability even to accept EDI orders for LNP or loops plus LNP, and inability to return FOCs, rejects, jeopardies or completions on orders for LNP or loops plus LNP, has not yet been corrected.

c) BellSouth's EDI interface is not operationally ready to process resale orders

111. BellSouth does claim that its EDI interface is being used commercially to process resale orders. Nonetheless, BellSouth presents absolutely no evidence showing that the commercial use that has occurred has been successful -- no evidence that the orders were processed accurately, no evidence that they were processed quickly, and no evidence of the successful return of provisioning notices.[17]

112. BellSouth provides no excuse for failing to present such evidence. Without it, this Commission cannot determine that BellSouth's EDI interface is operationally ready to receive resale orders. Since there is commercial use, there is no reason to turn to evidence less probative of operational readiness. This is especially true because none of the testing discussed by BellSouth involved the provisioning of any orders -- even test orders. The tests also did not include data on the time it takes BellSouth to return provisioning notices.

d) BellSouth's own test data show that it is not operationally ready

113. BellSouth presents some performance reports, which are attached to Mr. Stacy's performance measures affidavit, to demonstrate that its OSS is operational. In addition to being

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17/ As I explained above, BellSouth's general ordering data, not broken down between LENS orders, PC EDI orders, and EDI orders, cannot show the readiness of EDI.

deficient because they do not show the operational readiness of EDI, these reports also lack other essential information. The reports do not indicate the number of orders in each category being measured, which makes it very difficult to assess their import. If there have been very few resale business orders dispatch, the data on how long it takes to provision that service is far less meaningful than if there have been many orders. The data also do not always explain what is being measured. For example, FOC time is broken down between mechanized LSRs with no errors and mechanized LSRs with errors. But many LSRs with errors are simply rejected. The second category thus presumably includes only LSRs with errors that do not cause the orders to be rejected -- possibly because BellSouth corrects the errors. But this is entirely unclear from the report. The data also do not always explain what is included in a particular measurement. For example, jeopardy notifications are provided by very different processes to LENS users and EDI users. Indeed, LENS users do not really receive jeopardy "notices" at all; rather the information is provided through status updates in LENS. If BellSouth is including the status updates in its measures of jeopardy notification it would substantially distort the time measurements for jeopardies, because status updates do not require any actual notification. It is not clear from BellSouth's reports whether status updates are included. Similarly, BellSouth does not explain whether it includes in its measurements of jeopardy notifications orders that should have received a jeopardy but for which the CLEC was not notified until after an appointment had been missed or was never notified at all.

114. BellSouth still has not provided data in many categories in which this Commission has required BOCs to do so. This Commission has required BOCs to provide data on the average installation interval for unbundled loops. (Ameritech MI Order ¶ 212). BellSouth does not

separately provide data on the average installation interval for loops. BellSouth does provide data on average installation interval for "UNE Design" and "UNE Non-Design." (Stacy Perf. Measures Aff., ex. WNS-3, chart on Order Completion Interval). But these categories include more than just loops. BellSouth states that, at present, orders for UNE loops with LNP are included in these categories. (Stacy Perf. Measures Aff., ex. WNS-3, chart on Order Completion Interval, n.1). It does not state what else is included in these categories. As a result, there is no way to determine what the average installation interval is for unbundled loops alone.

115. BellSouth has not presented any data on the length of time it takes to provide completion notifications after it has completed an order. And it has not provided any data on the length of time it takes to return the retail analogs for FOCs, jeopardies, or rejects. Although BellSouth claims that there are no retail analogs for these measures, this is clearly not so. When a BellSouth retail order is rejected, someone at BellSouth is notified so that the order can be reentered. This is the equivalent of a reject notice to a CLEC. Indeed, this Commission previously discussed evidence that Bellsouth "receive[s] the equivalent of an error notice between a few seconds to thirty minutes after entering an order." (S.Car. Order ¶ 118). Similarly, when BellSouth technicians learn that a due date will not be met, they send an electronic notice to other BellSouth employees (who print out the notices and call the customers). (Stacy OSS Aff. ¶ 149). This is the equivalent of a jeopardy. The notices are printed out and the employees call the customer. Finally, this Commission has suggested that the equivalent of a FOC is the time that elapses from entry of an order into a BOC's legacy systems until the order is recognized as a valid order by the legacy systems. (Ameritech MI Order, ¶ 187 & n. 479). Nonetheless, BellSouth has failed to provide such data. This is true even though this Commission required BOCs to provide

comparative information where there is a retail analog, including in the provision of FOCs and rejects. (Ameritech MI Order, ¶ 187; S. Car. Order ¶ 118).[18]

2) BellSouth's OSS Has Important Functional Deficiencies

116. Even setting aside BellSouth's lack of experience with its EDI interface, it is clear that BellSouth's EDI interface, as currently structured, cannot be used to provide service at parity. BellSouth simply relies on too much manual processing in both its ordering and provisioning processes to be capable of providing service at parity. BellSouth relies on manual processing for many unbundled element orders and complex resale orders, has an entirely manual process for service jeopardies, and, as of today, lacks any process for returning most loss notifications.

a) BellSouth continues to rely on manual processing of service jeopardies

117. For one key provisioning function -- service jeopardy notification -- BellSouth lacks an EDI interface altogether. A jeopardy notification is the process by which the BOC notifies the CLEC that it will not complete the order on the date it had promised. Such notification is vital, because the CLEC needs to be able to notify its customer that service will not be turned up on the promised date. (S.Car. Order ¶ 130). Thus, jeopardy notification must be rapid enough to ensure that the CLEC has time to notify its customer of the delay in turning up service. Otherwise, not only will the customer be angry that service was not turned up as

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18/ Even without any data on retail analogs, the data BellSouth does present shows that it takes BellSouth far too long to return FOCs and rejects to CLECs. In May, it took BellSouth nearly two days to return FOCs on mechanized resale residence orders, over two days on UNE orders, and three days on resale business orders. Similarly, it took almost two days to return rejects on mechanized resale residence orders and 2.6 days on resale business orders (there is no UNE data). (Stacy Perf. Measures Aff., ex. WNS-3).

expected, but, when the customer calls the CLEC to find out why its service has not been turned up, the CLEC will not know the reason. Not only will this further anger the customer, but the CLEC will have to waste time and money attempting to track down the status of the order. This Commission has explained that, "[i]f the competing carrier is never informed by [the BOC] of changes to the due date, the customer will be likely to blame the competing carrier for the failure to install service on time, even if the competing carrier is completely without fault." (S.Car. Order, ¶ 115).

118. BellSouth's reliance on an entirely manual process for one of two major categories of jeopardy notifications -- service jeopardies -- was one of the major factors that caused this Commission to reject BellSouth's South Carolina application last December. (S. Car. Order ¶ 131). Nothing has changed since.

119. BellSouth still divides jeopardy notifications into "customer-caused" or "missed appointment" jeopardies and "service" or "facilities" jeopardies. (Stacy OSS Aff., ¶ 148). Customer-caused jeopardies involve situations in which, for example, the customer is not home when the technician comes out to install service. Service jeopardies involve situations in which, for example, fulfilling the order will take longer than anticipated because BellSouth finds out that it lacks outside plant and must install such plant before completing the order.

120. Last August, after MCI requested that BellSouth provide jeopardy notifications via EDI and provided specifications for doing so (Letter from Helen Arthur, Aug. 27, 1997, att. 11), BellSouth agreed to provide customer-caused (missed appointment) jeopardies via EDI. However, BellSouth has provided no data, including test data, showing that this process is operational.

121. More important, BellSouth still entirely lacks an automated process for informing CLECs of service jeopardies. (Stacy OSS Aff., ¶ 149). BellSouth plans to provide notification via fax or by phone call, depending on how proximate the jeopardy is to the installation due date. (Stacy OSS Aff., ¶ 149). The manual process for informing CLECs of service-based jeopardies will negatively impact CLECs, who may not receive notice of the changed due date in sufficient time to notify their customers.

122. The manual process is also discriminatory. BellSouth presents some data on how long it takes to return jeopardies to CLECs,[19] but fails to provide data on how long it takes to return jeopardies to its own customer service representatives who call its retail customers. Even without this data, however, it is clear that the process is discriminatory. In its retail operation, BellSouth generally sends notice of jeopardies in an automated fashion to BellSouth retail centers which print them out and then call their customers to inform them of new due dates (Stacy OSS Aff., ¶ 149; Calhoun, N.Car. trans., pp. 48-49, att. 9); on other occasions, it sends an electronic notification directly to the specialist who placed the order. (Shivanandan Affidavit, ¶ 21, Appendix A, Tab 21, ex. WNS-43). In contrast, in its resale/UNE operation, when a jeopardy occurs prior to the due date, BellSouth sends notice of jeopardies to the Local Carrier Service Center which prints them out and faxes them to the CLECs. (Stacy OSS Aff. ¶ 149). The CLECs, assuming they receive the fax in a timely fashion, must in turn call their customers. There

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19/ As explained in Paragraph 113 above, it is impossible to evaluate BST's data on jeopardy notifications without knowing what is included in that data. Moreover, BellSouth's claim to return jeopardies on average near 100 hours before the expected due date is highly suspect given that on many orders the expected due date is less than 100 hours after the order is placed.

is therefore a fax involved in the process for CLECs that does not exist in the process for BellSouth's retail customers.

123. When a jeopardy occurs "at or about the time of an installation call," the BellSouth groups involved with installation call their customer directly. (Stacy OSS Aff. ¶ 149). If a CLEC's customer is involved, however, these groups call the CLEC, which must in turn call its customer. (Stacy OSS Aff. ¶ 149). There is therefore an extra phone call involved in the process.

124. BellSouth implies that it is not at fault for the absence of a mechanized process of service jeopardies because, in the absence of an industry standard, "this process cannot be done unilaterally by BellSouth, but will require agreement by BellSouth and interested CLECs." (Stacy OSS Aff. ¶ 150). But this is absurd. While BellSouth has very recently agreed to a change management process that requires CLEC involvement for changes to EDI, almost all changes to BellSouth's EDI interface to date -- including BellSouth's adoption of an automated process of jeopardy notification for customer-based jeopardies -- have been adopted unilaterally by BellSouth. And when MCI repeatedly approached BellSouth about automating service jeopardies, BellSouth never suggested initiating a discussion of the issue with other CLECs -- BellSouth simply refused to proceed with automation. MCI has been proceeding under the impression that issues that were raised well before the change management process was agreed upon were outside the confines of the change management process; if BellSouth thought that such issues should be decided through the change management process, it should have submitted them for discussion at the July 13, 1998 meeting. Bellsouth did not do so.

125. BellSouth also attempts to argue that its failure to automate service jeopardies is irrelevant, because MCI will not be placing commercial orders through EDI until September.

(BellSouth OSS Affidavit, ¶ 151). But BellSouth's failure will significantly impact MCI at that time. In any case, regardless of the readiness of CLECs, BellSouth cannot show that it has an operational EDI interface that will allow CLECs to receive service at parity when BellSouth does not yet have an automated process to provide service jeopardies.

b) BellSouth lacks automated provisioning processes for many UNE orders

126. In addition to its failure to automate service jeopardies, BellSouth has failed to automate other provisioning notices for many UNE orders. As I explained above, MCI's testing revealed that BellSouth has not yet automated the return of FOCs or completion notices for unbundled loop orders. BellSouth also has not yet automated the return of FOCs, rejects, clarifications, any jeopardies (including customer caused or missed appointment jeopardies), or completion notifications for LNP orders or orders for loops with LNP.

127. BellSouth has told MCI that by approximately the time MCI launches its commercial ordering of unbundled elements in September, BellSouth will have automated the return of FOCs and completion notices on loop orders, LNP orders and orders for loops with LNP. However, these processes are not operational today and have not even been tested. Thus, even for the most basic UNE order, an order for an unbundled loop, BellSouth cannot today provide reasonable, non-discriminatory OSS.

128. Moreover, BellSouth has not even promised to automate the provision of rejects, clarifications, or any jeopardies on orders for LNP or loops with LNP anytime this year. This is a major problem for MCI. BellSouth is intending to migrate to LNP in September. MCI intends to begin placing EDI orders for unbundled loops at that time. As BellSouth migrates to LNP in

particular locations, MCI will want to order LNP on the vast majority of its orders for loops in these locations. But MCI will not receive automated rejects or jeopardies (of any sort) on such orders (indeed, MCI may not be able to receive automated FOCs or completions on such orders if BellSouth fails to meet its intended date for launch of these processes).

129. As this Commission has recognized, the timely return of provisioning notices -- which requires an automated process -- is critical generally. (S. Car. Order ¶ 115). In particular, as I explained above, the automated return of jeopardies is extremely important. Automated return of reject notification is also vital. The Commission rejected BellSouth's South Carolina application because many of its reject notices were returned manually for resale. (S. Car. Order ¶ 120). The same problems exist for manual return of rejects for UNE orders. The manual return of order rejections is likely to result in substantial delays in sending rejects back to MCI especially as the volumes of orders increase. The representatives who process the rejects also may use idiosyncratic and cryptic error messages which are hard to decipher and force MCI to call BellSouth for clarification, or even to find errors where no errors exist. MCI has experienced all of these problems with manual processing of reject messages on resale orders that MCI placed with BellSouth last Fall. Faxing these rejects back will result in further delays -- the fax machine may not be working, may be out of paper, and regardless will take time to transmit the fax. Faxing will also delay processing on MCI's side of the interface as MCI must track the faxes and ensure they reach the proper individuals.[20] MCI will also have to manually go into its own

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20/ BellSouth has offered to use an e-mail process, rather than a fax process, to return rejects to MCI. MCI is in the process of deciding whether to accept this offer. The e-mail process does have some advantages, but those advantages do not include eliminating use of a fax. If MCI decided to use this process, it would have to designate the BellSouth account team on its orders. The LCSC which processed a reject would then fax the reject to the BellSouth account team.

systems and change the status of the rejected orders. In contrast, with automated rejects, the status of the order in MCI's systems changes automatically when the reject is received, and the systems are automatically prepared to send supplementary orders. BellSouth has now automated the return of rejects for resale orders; it must do so for basic unbundled element orders (LNP and loop with LNP) as well.

130. Automated return of completion notices is also vital. Completion notices inform the CLEC that the customer is now its customer. Until it receives a completion notice, the CLEC will not know that it is responsible for the customer's maintenance and repair, for example. The CLEC also will not know that it can start billing the customer. If the completion notices is delayed, therefore, or does not come at all, the CLEC may have to retroactively bill the customer for a significant period of service which will frequently anger the customer. BellSouth's present failure to automate the process of completion notices for UNE orders means that it is not providing reasonable, non-discriminatory OSS.

c) BellSouth lacks an acceptable process for loss notification

131. Another major functional deficiency in BellSouth's ordering processes is the lack of an acceptable process to inform CLECs of "competitive disconnects." If MCI is providing local service to a customer and that customer later switches to BellSouth or another provider for local service, it is BellSouth that makes the switch. BellSouth should provide MCI electronic "loss notification" showing that such a switch has occurred. Last summer, MCI provided BellSouth the necessary specifications to enable BellSouth to provide such notice. (Letter from

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The account team would keep track of rejects and e-mail them to MCI on a regular basis. This process obviously remains far slower than automated return of rejects and still includes the disadvantages of faxes.

Helen Arthur, Aug. 27, 1997, att. 11). But BellSouth initially refused and stated that it would only agree to provide such notice through the U.S. mail. (Letter from Cliff Bowers, Aug. 29, 1997, att. 12; e-mail from Judy Rueblinger, Aug. 29, 1997, att. 12; e-mail from Judy Rueblinger, Sept. 4, 1997, att. 12). This remains the primary means by which BellSouth provides loss notification to most CLECs.

132. Later, BellSouth agreed to provide loss notification to MCI for some resold services via Network Data Mover once a day. But, as MCI has consistently explained, this process does not apply to loss notifications with respect to any UNEs and also does not apply to loss notification for resold services identified by circuit numbers (e.g., data services) or by terminal identification (e.g. DID trunks) or to losses of part of a customer's account rather than the entire account. (Stacy OSS Aff., ¶ 155). Although BellSouth is currently developing a process to provide electronic notification in such circumstances, as of today, BellSouth does not provide loss notifications at all in such circumstances.

133. BellSouth's failure to provide loss notifications in each of these circumstances is entirely unacceptable. Until CLECs can receive loss notification, they will not know to stop billing the customer when the customer switches to another carrier. This will almost certainly result in customers being double billed. In addition, because CLECs will not know that the customer has switched, CLECs will not be able to attempt to "win-back" the customer.

134. In contrast, for BellSouth retail customers who switch to another carrier, "loss notification" is instantaneous. Indeed, BellSouth does not even need to send an actual notice. Instead, its systems automatically stop billing the customer as soon as the customer is switched to a different carrier. BellSouth also intends to attempt to win-back customers who have left

BellSouth immediately after they have switched from BellSouth. (Letter from Fred McCallum, Aug. 14, 1997, att. 13). In fact, until pressed in state § 271 hearings into a commitment to stop doing so, BellSouth was attempting to "win-back" customers who had decided to switch, but had not yet switched from BellSouth. The delayed receipt of competitive disconnects therefore leaves MCI at a competitive disadvantage.

135. The industry is in the process of creating a standardized manner of providing loss notifications. I expect this functionality to become part of EDI 10.0 which should be completed by early next year. But this Commission has made clear "that a lack of industry standards [does not excuse] an incumbent LEC from meeting its obligation to provide non-discriminatory access to OSS functions." (S.Car. Order ¶ 121).

d) BellSouth lacks an adequate process of version control

136. BellSouth lacks an adequate process of version control. When BellSouth migrates from one version of EDI (or other interface) to a subsequent version, CLECs will also be forced to migrate to the subsequent version and must do so within ninety days for their orders to continue to be processed. This is because BellSouth will not allow orders to be placed using a prior version of the interface more than ninety days after a new version has been introduced. (Stacy OSS Aff., ¶ 95). This is contrary to the ordinary practice in the software industry in which multiple versions are generally maintained simultaneously. It is also contrary to the practice of at least one other BOC. Bell Atlantic North and South have acceded to the ordinary practice of the software industry, agreeing to maintain the current version and one prior version (the sunset version) until a third version is implemented at which point the sunset version is phased out.

BellSouth will not agree to maintain more than one version, however, after the 90 day period has run.

137. MCI is not asking for BellSouth to maintain every version of an interface that it has ever deployed. MCI, along with AT&T, Sprint, and LCI, has been extremely reasonable, asking only that BellSouth maintain two versions of an interface simultaneously; when BellSouth implements a third version of an interface, the CLECs have said, it can then phase out the older of its existing versions ninety days later. (Letter from CLECs, April 13, 1998, att. 14). In other words, if BellSouth migrates to EDI 9.0 from EDI 7.0, it must continue to maintain EDI 7.0 but it can phase out EDI 6+ ninety days after implementation. This is very similar to the proposal agreed to by Bell Atlantic.

138. Alternatively, the CLECs have presented BellSouth an option under which BellSouth "would support two current versions of an interface until the last CLEC completes testing of the new version release." (Letter from CLECs, April 13, 1998, att. 14). Thus, if MCI, AT&T, Sprint and LCI are the only CLECs using EDI, BellSouth could eliminate the existing version of EDI as soon as these four CLECs had finished testing the new version. Nonetheless, BellSouth has refused to agree to either of the options proposed by the CLECs for version control.

139. BellSouth claims that maintenance of multiple versions would "create data integrity problems" and would be "costly." (Stacy OSS Aff., ¶ 95). But the fact that the general practice in the software industry is to maintain multiple versions (as well as BellSouth's ability to maintain two versions for ninety days) demonstrates that BellSouth's fear of data integrity problems is unfounded. It also demonstrates a consensus that the benefits of maintaining multiple

versions outweigh the costs. CLECs like MCI maintain multiple versions of an interface, like EDI, as a normal business practice (e.g., to use with different BOCs).

140. Maintenance of multiple versions of an interface is important. Subsequent versions of an interface generally contain additional functionality; however, this functionality will not always be necessary or particularly important for each CLEC. Some CLECs may determine that the benefits of moving to this new interface are exceeded by the costs. These CLECs should be allowed to continue to use the version of the interface that they have already developed. Moreover, even CLECs who desire to use the new version of an interface may on a particular occasion not be able to complete development of that version within ninety days of implementation of that version; they may have other commitments that are their top priorities, or they may simply have technical difficulties in completing development.

141. The need to maintain multiple versions of an interface is only slightly reduced by the process of change management that BellSouth has developed in conjunction with the CLECs. As a result of that process, BellSouth will only move to a new version of an interface if the majority of CLECs agree. But even if the majority of CLECs agree that the new version of an interface is desirable, this does not mean that it will be cost beneficial for a particular CLEC to move to that version. Nor does it means that all of the CLECs will be ready to move to that new version at the same time. In June 1998, for example, ninety days after BellSouth migrated to EDI 7.0, it took down EDI 6.+. It did so even though it knew based on its testing with MCI that there remained significant operational issues with EDI 7.0 and knew that MCI was not ready to deploy that interface commercially. Although, in this instance, there was no significant effect on MCI because MCI was not using EDI 6+ commercially, on future occasions the effect could be severe.

e) BellSouth Has Failed to Provide Means for CLECs to Access and Review Pending Orders

142. After an order has been submitted, particularly a complex order, CLECs require a means to proactively view the status of that order. This is particularly true with respect to complex orders where critical dates exist on which certain actions, such as BOC provisioning work like assignment, design, testing and provisioning, should be taken depending on the status of the order. It is also true that CLECs need the ability to view status information when a customer calls to check on the status of an order. Yet BellSouth has not provided CLECs the means to check the status or progress of orders placed through EDI. (Stacy OSS Aff. ¶ 153). The Georgia Commission ordered BellSouth to cooperate with CLECs to resolve this issue. (GA OSS Order, App. A p. 9). To date, the issue has not been resolved.

143. BellSouth asserts that users of LENS ordering have access to order status information. (Stacy OSS Aff. ¶ 153). But this is of no help to EDI users. BellSouth, of course, elsewhere relies on EDI ordering to show parity.

144. BellSouth also asserts that a process of reviewing order status information must be defined and agreed to by CLECs. (Stacy OSS Affidavit, ¶ 153). But, until recently, BellSouth implemented changes to EDI unilaterally, and, despite CLEC complaints, never adopted, nor indicated a willingness to adopt, any process to provide order status information to users of EDI. MCI has assumed that long-time complaints would be resolved outside the context of change management. If BellSouth wished to place the issue into the change management process, it could have placed it on the agenda for the July meeting. It did not.

145. Finally, BellSouth contends that CLECs access to order status information is substantially the same as that of BellSouth retail units. (Stacy OSS Affidavit, ¶ 153). But BellSouth representatives are able to check the status of the orders they have placed. Indeed, Laura Narducci describes a process by which a Customer Service Associate "accesses the service order" to determine whether an estimated service date has been assigned (Narducci Affidavit ¶ 12). John Shivanadan expressly states that a BellSouth employee who enters an order "can check the status after submitting the order." (Shivanadan Affidavit, ¶ 18). And William Stacy himself, in testimony in Tennessee, acknowledged that a BellSouth customer service representative has the ability to call up an order to check on its status while a CLEC that has placed an order through EDI does not. (Stacy, Tn. test., pp. 257-58, att. 3).

f) BellSouth fails to provide equivalent access to due dates

146. BellSouth has a far greater ability to provide accurate due dates to its customers than do CLECs. This was one of the reasons that this Commission rejected BellSouth's prior applications for long distance entry and it remains true today. S. Car. Order ¶¶167-69; La. Order ¶¶ 56-58.

147. When a CLEC determines a due date at the pre-ordering stage (based on the installation calendar in LENS, or even if the CLEC obtained access to DSAP), the CLEC cannot guarantee this due date to its customer. The CLEC does not receive a "guaranteed" due date until it receives a FOC back after its order reaches BellSouth's Service Order Control System ("SOCS"). By the time an order reaches SOCS, a due date that appeared to be available at the pre-order stage may have become unavailable. As a result, the due date the CLEC quotes to its customer may well be inaccurate.